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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/963,801      | 09/27/2001  | Tetsuya Miyano       | P 282940 FG-172U    | 9163             |

909            7590            01/31/2003  
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| EXAMINER |
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MELWANI, DINESH

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3677

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |
|------------------------------|------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>                        |
|                              | 09/963,801             | MIYANO ET AL.<br><i>[Handwritten mark]</i> |
|                              | <b>Examiner</b>        | <b>Art Unit</b>                            |
|                              | Dinesh N Melwani       | 3677                                       |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 January 2003.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 14-19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12 and 13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election **without** traverse of Species III in Paper No. 10 is acknowledged. Consequently, claims 4-11 and 14-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/963,801, filed on 09/27/01.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 11/30/01 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Specification***

4. The abstract of the disclosure is objected to because both the title as well as the body contains the word "invention". Correction is required. See MPEP § 608.01(b).

Acknowledgement is made of applicant's submission of:

Declaration filed on 11/30/01

Address Change filed 09/16/02

The aforementioned items have been noted and officially inserted into the application.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 2 of Claim 13 contains the term "and/or" which renders the scope of the claim indefinite.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan *et al.* (U.S. Patent No. 5,353,571). Berdan discloses a mounting structure of a resin molded article substantially as claimed; wherein the resin molded article (18) comprises an elongated main body (24) and a plurality of clip mounting sections formed intermittently along a longitudinal

direction, each clip mounting section is composed of a pair of mount ribs (26), each mount rib has a protrusion (28). The resin molded article is mounted to a body panel (16) via a clip comprising elements (36 and 66), see Fig. 5, wherein the clip has a latch claw (44) to be latched on the protrusion of the mount rib, a slip-proof lug (generally 50) provided opposite to the latch claw so as not to slip the latch claw from the protrusion, and an engagement portion (64) engaged with the body panel (16). The latch claw of the clip is latched at the protrusion of the mount rib to be mounted to the resin molded article, and the engagement portion of the clip is mounted to the body panel, thereby mounting the resin molded article to the body panel.

Berdan's protrusions (28) are disclosed to be located on inside faces of mount ribs (26); wherein said protrusions face each other. However, Berdan also teaches that it is well known in art to create protrusions that face outward. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the location of said protrusions since it has been held that the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan *et al.* (U.S. Patent No. 5,353,571) in view of Nomura *et al.* (U.S. Patent No. 4,268,079). Berdan discloses a mounting structure of a resin molded article substantially as claimed, but does not disclose the mount rib or the latch claw includes a position-fixing section for fixing a position of the clip in the longitudinal direction of a resin molded article. Nomura discloses a mounting structure that teaches the use of a position-fixing section; see Figs. 11-13 (generally 5, 11, and

13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Nomura, in regards to a position-fixing structure on a mount rib or latch claw, to modify Berdan to facilitate rapid alignment of latching sections.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Niedecker (U.S. Patent No. 5,546,637), Steininger *et al.* (U.S. Patent No. 6,102,473), Barenyi (U.S. Patent No. 3,897,967), Grittner *et al.* (U.S. Patent No. 4,122,583), Kawalhara *et al.* (U.S. Patent No. 5,671,513), Graf (U.S. Patent No. 5,202,172), Shinozaki (U.S. Patent No. 6,074,150), Dinsmore *et al.* (U.S. Patent No. 6,449,814), Kessler (U.S. Patent No. 5,110,650), and Magarino (U.S. Patent No. 6,453,522) substantially disclose the present invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

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Art Unit: 3677

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DNM  
January 27, 2003



J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600